

Docket No.

0066.99

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Genes Coding for Tomato B-Galactosidase Polypeptides

the specification of which

(check one)

is attached hereto.

was filed on June 8, 1999 as United States Application No. or PCT International Application Number PCT/US99/12697

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/088,805

June 9, 1998

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2000 OMB 0651-0036

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

(6) GRAETER, Janelle S., Reg. No. 35,024  
 RIBANDO, Curtis P., Reg. No. 27,976  
 CONNOR, Margaret A., Reg. No. 30,043  
 DECK, Randall E., Reg. No. 34,078  
 LIPOVSKY, Joseph A., Reg. No. 34,526  
 POULOS, Gail E., Reg. No. 36,326

Send Correspondence to:

Janelle S. Graeter  
USDA-ARS-OTT  
5601 Sunnyside Avenue, Rm. 4-1188  
Bethesda, MD 20705

Direct Telephone Calls to: (name and telephone number)

Full name of sole or first inventor <u>GROSS, Kenneth C.</u>	
Sole or first inventor's signature <u>Kenneth C. Gross</u>	
Residence 4713 Knapp Court, <u>Ellicott City</u> , Maryland 21043	
Citizenship U.S.A.	
Post Office Address	

2-00 Full name of second inventor, if any <u>SMITH, David L.</u>	
Second inventor's signature <u>David L. Smith</u>	
Residence 9017 Lambskin Lane, <u>Columbia</u> , Maryland 21045	
Citizenship U.S.A.	
Post Office Address	